

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

VANESSA RICE,)	JURY TRIAL DEMANDED
)	
Plaintiff,)	
)	
v.)	Case No: _____
)	
CAVALIER HOMES, INC.,)	
)	
Defendant.)	

COMPLAINT

COMES NOW Vanessa Rice (“Rice” or “Plaintiff”), pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e (the “Civil Rights Act”), alleges and claims against Defendant Cavalier Homes, Inc. (“Cavalier” or “Defendant”), as follows:

JURISDICTION, VENUE AND EXHAUSTION OF REMEDIES

1. This action arises under the Civil Rights Act. Accordingly, this Court has jurisdiction pursuant to 28U.S.C. § 1331.

2. Venue lies in this judicial district pursuant to 28 U.S.C. § 1391, because Defendant has qualified to do business in the State of Alabama, transacts substantial business in the State of Alabama, transacts substantial business in this judicial

District, and maintains its principal office in the State of Alabama in Addison, Alabama, which lies in Winston County and in this judicial district.

3. Rice has exhausted administrative remedies pursuant to 42 U.S.C. § 2000e5(f)(3). Rice has filed a charge of discrimination with the EEOC and has received a notice of right to sue.

PARTIES

4. Cavalier Homes, Inc. is a Delaware corporation engaged in the business of manufacturing and selling mobile prefab homes. Cavalier is owned by Southern Energy Homes, Inc., which does business under the “Clayton Homes” brand, and which is owned by Warren Buffett's Berkshire Hathaway.

5. Plaintiff Vanessa Rice is an adult resident of Winston County, Alabama and was at all times material to this Complaint employed at Cavalier’s corporate headquarters as a Sales Coordinator.

FACTUAL BACKGROUND

6. On or about June 3, 2019, Cavalier unlawfully passed over Rice for a Sales Representative position.

7. Rice worked on and off for Cavalier and its affiliated companies for several years and has proven her abilities in sales, even winning company sales awards.

8. In or around April 2019, Rice expressed her desire to become a Sales Representative to her Manager, Darrel Gilliland. However, he dismissed Rice's wishes and told her that was not his plan for her. Despite this reaction, Rice told him that she wanted to apply if a sales position came open in the future. However, Gilliland informed Rice that he expected none to open.

9. Rice patiently watched for job openings on the Clayton Homes website but could find no job openings for her Addison location.

10. On May 25, 2019, Rice went on vacation and returned to work on June 3, 2019. The morning she returned, Mr. Gilliland introduced her to a young man, Davis Verneuille, the new Salesman.

11. Rice emailed Bryanna Tidwell in Human Resources and asked if she had posted any sales positions lately, but she did not answer Rice. Upon further inquiry, Ms. Tidwell continued to dodge the question.

12. Rice asked Mr. Verneuille if he had any prior experience in sales or in the manufacturing business. He denied any such experience, stating he had been in school and then had paved parking lots.

13. Rice reported her concerns about Cavalier's refusal to hire her into a sales position to the General Manager, Gary Hollingsworth. Mr. Hollingsworth responded by stating that except for travel, Rice was doing the same job as sales

representatives, and she was doing their paperwork for them while they traveled (in addition to her responsibilities).

14. Cavalier has a pattern of not promoting, not hiring and discriminating against women in the sales department in violation of Title VII.

15. Rice was a better qualified candidate than Mr. Verneuille for the sales position. She proved this by successfully filling in for other sales representatives in Addison while they were on a casino trip for a sales home show.

16. Cavalier has only employed one female in a sales position in 31 years and has intentionally avoided doing so.

17. As a result of the unlawful actions of Cavalier, Rice has sustained significant damages in the form of lost wages, pension contributions and other benefits, and will continue to sustain said losses and damages in the future.

18. As a result of the unlawful actions of the Defendant, Rice has sustained significant damages in the form of pain, suffering, and mental anguish, and will continue to sustain said losses and damages in the future.

19. Rice has been injured both financially and emotionally by the unlawful actions of Cavalier.

COUNT ONE

STATEMENT OF PLAINTIFF'S SEX-BASED DISCRIMINATION

CLAIMS

20. Plaintiff hereby re-alleges and incorporates by reference the preceding paragraphs with the same force and effect as if fully set forth herein.

21. Plaintiff avers based on the facts set forth herein, that while she was employed by the Defendant, she was subjected to sex-based discrimination.

22. Plaintiff avers based on the facts set forth herein, Defendant subjected her to sex-based discrimination by passing her over for a promotion to Defendant's sales department because of her sex, female.

23. Plaintiff avers based on the facts set forth herein, Defendant subjected her to sex-based discrimination by failing to hire her for Defendant's sales department because of her sex, female.

24. Plaintiff further avers the Defendant has a habit and/or practice of discriminating against females.

25. Plaintiff avers that Defendant condoned and tolerated the discrimination. Defendant's actions were in violation of Title VII.

26. The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and this suit for back pay, front pay, compensatory damages, punitive damages, attorney's fees, expenses, costs, injunctive relief, and declaratory judgment is her only means of securing adequate relief.

27. Plaintiff is now suffering and will continue to suffer irreparable injury from Defendant's unlawful policies and practices set forth herein unless enjoined by

this Court.

28. The Plaintiff has satisfied all administrative prerequisites to bring this claim.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that this Court adopt jurisdiction of this action and award Plaintiff the following relief:

a. Enter a declaratory judgment that Defendant's policies, practices and procedures complained of herein have violated and continue to violate the rights of the Plaintiff as secured by Title VII; and

b. Grant Plaintiff a permanent injunction enjoining Defendant, its agents, successors, employees, attorneys, and those acting in concert with Defendant or at Defendant's request from violating Title VII; and

c. Grant Plaintiff an Order requiring the Defendant to make her whole by granting appropriate declaratory relief, compensatory damages (including damages for mental anguish), punitive damages, interest, attorney's fees, expenses, costs; and

d. Plaintiff prays for such other, further, different or additional relief and benefits as justice may require.

Respectfully submitted,

/s/ Brandy M. Lee

Brandy M. Lee

/s/ Brice M. Johnston

Brice M. Johnston

Counsel for Vanessa Rice

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JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY FOR THE TRIAL OF THIS CAUSE.

/s/ Brandy M. Lee

Brandy M. Lee

Please serve the Defendant by Certified Mail, Return Receipt Requested, at the following address:

Cavalier Homes, Inc.
C/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104